

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 10:</b> Adoption	<b>Effective Date:</b> May 1, 2012
	<b>Section 15:</b> Eligibility Requirements for Adoption Assistance	<b>Version:</b> 1

## POLICY

**[NEW]**

### General Requirements

The Indiana Department of Child Services (DCS) will ensure that the child and adoptive parent(s) meets all of the following general criteria to qualify for any assistance:

1. The child is a ward of DCS at the time the prospective adoptive parent(s) files a petition for adoption or otherwise meets all of the Title IV-E or State Adoption Subsidy (SAS) adoption assistance program eligibility requirements;
2. The adoptive child meets the special needs requirements:
  - a. The DCS local office or juvenile court having jurisdiction over the child has determined that the child cannot or should not be returned to the home of the child's parent,
  - b. There exists a specific factor or condition which makes it reasonable to conclude that the child cannot be adopted without providing financial assistance or Title XIX Medicaid, and one (1) of the following criteria exists:
    1. A child that is two (2) years of age or older;
    2. A child who is a member of a sibling group of two (2) or more children and who must be placed together with the sibling group in the same home;

**Note:** At least one (1) child in a sibling group must be two (2) years of age or older.

3. A child with a medical condition or physical, mental, or emotional disability, as determined by a physician licensed to practice in Indiana or another state or territory.
- c. A reasonable, but unsuccessful effort must be made to place the child in an appropriate adoptive home without providing adoption assistance, unless it is contrary to the child's best interests due to:
  1. Significant emotional ties with prospective adoptive parent(s) where the child was placed while in foster care; or
  2. Other specific factors or circumstances documented in the child's case file and approved by the Special Needs Adoption Program (SNAP) Specialist.
3. The child is a US citizen or qualified Alien. See separate policy [2.9 Verifying Identity](#);
4. The results of the required criminal background checks show no record of a felony conviction for a crime described in 42 USC 671(a)(20)(A) that would disqualify the adoptive parent(s) from receiving adoption assistance payments under 42 USC 673. See separate policy sections [13.7 Conducting Background Checks for Adoptions](#) and [13.8 Evaluating Background Checks for Adoptions](#); and
5. A written Title IV-E Adoption Assistance Agreement or State Adoption Subsidy (SAS) Agreement between DCS and the prospective adoptive parent(s) must be signed on or before the date that the court enters the Final Decree of Adoption for the child

or as otherwise stated in an administrative review decision.

#### Code References

1. [42 USC 673](#)
2. [42 USC 671\(a\)\(20\)](#)
3. [IC 31-19-26.5-2 Child with special needs](#)
4. [IC 31-19-26.5-3 Conditions for payment of adoption subsidies](#)
5. [IC 31-19-9-8 Consent to adoption not required](#)
6. [IC 31-9-2-51 Hard to place "child" or "hard to place children"](#)

#### **PROCEDURE**

The Family Case Manager (FCM) will:

1. Submit the completed [Indiana Adoption Program Application \(SF54351\)](#) and supporting documentation to DCS Central Eligibility Unit (CEU);
  - a. Check the file for additional supporting documentation, and
  - b. Add any additional documentation from the child's case file that is needed to support the general or specific eligibility requirements.
2. Send a copy of the [Final Adoption Program Eligibility Determination](#) and the [Request for Administrative Review \(SF54348\)](#) (if applicable) to the prospective adoptive parent(s) or their attorney;

**Note:** If the adoptive parent(s) disagrees with the [Final Adoption Program Eligibility Determination](#), the adoptive parent(s) may submit a [Request for Administrative Review \(SF54348\)](#) within 30 calendar days of the date on the [Final Adoption Program Eligibility Determination](#).

3. Contact the DCS Local Office Attorney in the event the child is eligible for a periodic payment. See separate policy, [10.17 Negotiations for Adoption Assistance](#);
4. Provide the DCS Local Office Attorney with the [Final Adoption Program Eligibility Determination](#), the proposed adoption assistance agreement, and any information that may assist in the negotiation; and
5. Return the signed adoption assistance agreement and Final Decree of Adoption to the DCS CEU for processing once the prospective adoptive parent(s) agrees to the terms of the adoption assistance agreement. See separate policy, [10.17 Negotiations for Adoption Assistance](#).

The Supervisor will:

1. Ensure that the FCM submits all required documentation to DCS CEU; and
2. Ensure that the DCS Local Office Attorney has been contacted in the event the child is eligible for a periodic payment. See separate policy, [10.17 Negotiations for Adoption Assistance](#).

The DCS Local Office Attorney will:

1. Work with the FCM to obtain any information needed for adoption assistance agreement negotiations. See separate policy, [10.17 Negotiations for Adoption Assistance](#);
2. Meet with the prospective adoptive parent(s) and/or their attorney to review the [Final Adoption Program Eligibility Determination](#) and proposed adoption assistance agreement;

**Note:** If the prospective adoptive parent(s) disagrees with the [Final Adoption Program Eligibility Determination](#), the prospective adoptive parent(s) may submit a [Request for Administrative Review \(SF54348\)](#) within 30 calendar days of the date on the [Final Adoption Program Eligibility Determination](#).

3. Ensure that the adoptive parent(s) sign the agreement prior to the finalization of the adoption once an agreement is reached; and
4. Obtain the DCS Local Office Director's (LOD) signature on the adoption assistance agreement.

#### **PRACTICE GUIDANCE**

N/A

#### **FORMS AND TOOLS**

1. [Indiana Adoption Program Application \(SF54351\)](#)
2. [Final Adoption Program Eligibility Determination](#) –Available via CEU
3. [Request for Administrative Review \(SF54348\)](#)
4. Title IV-E Adoption Assistance Agreement –Available via CEU
5. State Adoption Subsidy Agreement –Available via CEU
6. Decree of Adoption
7. [Indiana Adoption Program Desk Guide](#)

#### **RELATED INFORMATION**

##### **Adoption Program Assistance**

The Indiana Adoption Program includes the child's potential eligibility for:

1. Adoption periodic payments through AAP or SAS;
2. Medicaid coverage; and
3. Non Recurring Adoption Expenses (NRAE).

##### **SAS Categorical Eligibility**

The child must meet both of the following categorical eligibility requirements to be eligible for Medicaid or periodic payments under a SAS agreement:

1. Is age two (2) or older, or is a member of a sibling group placed in the same adoptive home if at least one of the children is age two (2) or older; and
2. Is eligible for adoption services provided by DCS through SNAP, as a hard to place child.

##### **AAP Categorical Eligibility**

A child must meet one (1) of the four (4) categorical eligibility requirements to be eligible for AAP, the only exception is if the child meets the 'applicable child' eligibility as defined below:

1. AFDC Eligible;
2. SSI Eligible;
3. Title IV-E Eligible in a prior adoption; or
4. Living with a Title IV-E eligible minor parent.

**Applicable Child**

The following outlines the eligibility requirements for 'applicable child'. See policy [10.14 Indiana Adoption Program Overview](#) for addition requirements:

1. A child who is an eligible age in a given federal fiscal year (or will turn the eligible age within the current federal fiscal year by September 30<sup>th</sup>);
2. A child who has been in foster care 60 consecutive months;
3. The sibling of an 'applicable child' who will be adopted by the same adoptive parent as the sibling;
4. A child who meets one (1) of the other categorical eligibility requirements:
  - a. A finding of Contrary to the Welfare was in the removal order,
  - b. Eligible for SSI,
  - c. Title IV-E eligible in a prior adoption, or
  - d. Living with a Title IV-E eligible minor parent.

The eligible age for an applicable child is based on the child's age at the time of entry of the Final Decree of Adoption, as follows:

1. Age 12 and older in FFY 2012 (or will turn 12 within FFY 2012)
2. Age 10 and older in FFY 2013 (or will turn 10 within FFY 2013)
3. Age 8 and older in FFY 2014 (or will turn 8 within FFY 2014)
4. Age 6 and older in FFY 2015 (or will turn 6 within FFY 2015)
5. Age 4 and older in FFY 2016 (or will turn 4 within FFY 2016)
6. Age 2 and older in FFY 2017 (or will turn 2 within FFY 2017)
7. All children in FFY 2018

See the [Indiana Adoption Program Desk Guide](#) for more detailed information.